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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,306	02/19/2004	Wen Li	2002B107E	7637

23455 7590 05/08/2006

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EXAMINER

NUTTER, NATHAN M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/782,306

Applicant(s)

LI ET AL.

Examiner

Nathan M. Nutter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-170 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02-06</u> . | 6) <input type="checkbox"/> Other: _____  |

**Continuation of Disposition of Claims: Claims withdrawn from consideration are 1-5,7-15,17,66-70,73,75-107,110-156,161 and 164-170.**

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 27 February 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because several of the documents are in the German language, several documents do not have the proper patent numbers and several of the documents are missing (see below). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

The information disclosure statement filed 27 February 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicants are reminded that it is their responsibility to ensure that the information contained in the Information Disclosure Statement is accurate and in conformance with all Rules and regulations.

Further, the examiner would like to point out that it has been held in the courts that the "applicant has [an] obligation to call the most pertinent prior patent to [the] attention of [the] Patent Office in a proper fashion." [*Penn Yan Boats, Inc. V. Sea Lark Boats, Inc., et al.* 175 USPQ 260 (DC SFla 1972)]. The examiner would appreciate the applicant identifying why the cited references are pertinent including relevant portions of each of the documents cited.

### ***Claim Amendments***

Applicants are reminded that when making amendments to the claims, a listing of the claims with their proper Status Identifiers are required. In the amendment filed 27 February 2006, this is not seen since the claims which were not elected for prosecution must be indicated as "Withdrawn." The Examiner has not made the amendment "Non-compliant," solely to further prosecution at this point. The proper status identifiers must be presented with any subsequent amendment(s) to ensure entry and conformance with the rules.

### ***Election/Restrictions***

Applicant's election with traverse of Group I in the reply filed on 22 February 2006 is acknowledged. The traversal is on the ground(s) that "a single fiber is not enough to wrap around an article and fasten it. This is particularly true when one considers that fibers used to make nonwovens are typically just centimeters long." This is not found persuasive because there are no recitations in the claims regarding the thickness or strength of the single fiber necessary to wrap an article, nor the size of any article, which with nanotechnology may be extremely small. Further, there is no

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recitation in the claims of a non-woven fiber or the length of said fiber. The argument apparently has no bearing on the reasons for the restriction as has been expounded in the previous Office Action.

The requirement is still deemed proper and is therefore made FINAL.

The claims that read on the elected species include, only, claims 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163.

Claims 1-5, 7-15, 17, 66-70, 73, 75-107, 110-156, 161 and 164-170 are withdrawn from consideration, and must be indicated as so in any forth-coming amendments, as being drawn to non-elected species and inventions.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboshi et al (US 4,041,002) taken with Kim et al (US 4,912,148), Itoh et al (US 2002/0183429) and Girotti et al (US 3,957,898), all newly cited.

The patent to Aboshi et al teaches the conventionality of producing a thermoplastic resin composition of polyethylene and a lubricant, which may be a paraffinic oil, with subsequent extrusion. Note column 2 (lines 23-34) for the paraffin

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employed. Extrusion is shown at column 3 (lines 63-68). Further, note Tables 1 through 5 at columns 5-14.

The reference to Kim et al shows a blend of either polyethylene or polybutene with a process paraffin oil having identical overlapping physical properties as that recited and claimed herein. Note column 3 (lines 51-68) and the Abstract.

The reference to Itoh et al shows a blend of an olefinic resin, including polyethylene or polybutene, with a softening agent that may include paraffin oils. Note paragraphs [0022]-[0026] for the polyolefin, paragraphs [0039]-[0043] for the paraffin oil. Further, note paragraphs [0098]-[0100] for properties of the oils, which overlap with those recited and claimed herein.

The reference to Girotti et al shows the conventionality of producing lubricating polyolefin paraffins having properties to those herein recited and claimed. Note column 2 (lines 1-35) and the Examples.

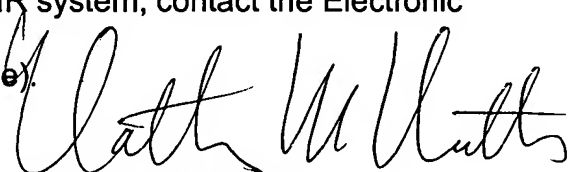
The references taken together show the conventionality of using a lubricant paraffin in a polyolefin blend and that such a blend is known for extrusion. The actual form, as recited herein, is not deemed to present much weight to the patentability of the instant claims since the claims are drawn essentially to the composition that the fiber may be composed. The references together demonstrate the conventionality of the additions and that paraffins, as herein claimed, are conventional for such blends, as well. Nothing has been shown that is surprising or unexpected by the instantly claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nathan M. Nutter  
Primary Examiner  
Art Unit 1711

nmn

4 May 2006